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Congress of the United States
House of Representatives
Washington, DC 20515

April 1, 2021

The Honorable Ron Wyden
Chairman
Senate Finance Committee
219 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Mike Crapo
Ranking Member
Senate Finance Committee
219 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Wyden and Ranking Member Crapo,

We are writing to ask that you oppose the confirmation of Andrea Palm as Deputy Secretary for the Department of Health and Human Services. As former state lawmakers who served during Ms. Palm's tenure as acting secretary of the Wisconsin Department of Health Services (DHS), we can tell you that her record in our state was one characterized by incompetence and overreach – particularly as it relates to the handling of the COVID-19 pandemic.

Last year, Governor Evers instituted a controversial statewide lockdown known as “Safer at Home.” Several weeks after the initial lockdown was ordered, Ms. Palm extended the “Safer at Home” order and overstepped her authority by attaching a citation and fine for those found to be in violation of the order. The Wisconsin Supreme Court struck down Ms. Palm's “Safer at Home” extension as an abuse of executive authority. Despite being reprimanded by the state supreme court, Ms. Palm would soon overreach again when several months later, her department issued arbitrary new restrictions limiting the size of public gatherings. Wisconsin law requires the Department of Health to go through rulemaking process in consultation with the state legislature before issuing any emergency rules – a law Ms. Palm violated.

Since Ms. Palm's nomination by President Biden and her departure from Wisconsin, even more evidence of mismanagement is beginning to come to light. Wisconsin DHS officials are beginning to discover massive discrepancies in data reporting, similar to those uncovered in New York,¹ related to the impact of COVID-19 in long-term care facilities. Under Ms. Palm's leadership, DHS reported between 26-30 percent of COVID-19 deaths occurring in long-term care facility settings, yet after a “data cleanup” it now appears that this number exceeds 45 percent. As 1,726 cases have yet to be sorted through, this number may end up being higher.

On the vaccine front, Wisconsin ranked 47 out of 50 for efficiency of distribution during the early weeks of January. Ms. Palm and Governor Tony Evers received harsh criticism for not compiling a list of registered vaccinators leading up to the vaccine roll-out in December. Ms.

¹ <https://www.jsonline.com/story/news/2021/03/18/wisconsin-undercounted-1-000-covid-19-deaths-long-term-care/4732428001/>

Palm herself admitted, “In early December we had fewer than 50 registered vaccinators.” In the initial distribution, HHS was shipping each state their vaccine allocation based on the number of registered vaccinators, meaning Wisconsin’s early failures could largely be attributed to Ms. Palm’s lack of preparation in creating a system to help providers express their willingness to start vaccinating. If Palm cannot effectively communicate with our providers in Wisconsin to help them register as vaccinators, we cannot expect her to facilitate operations at a national level.

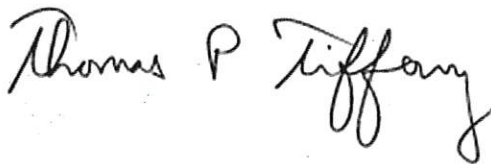
In short, it appears that the high point in of Ms. Palm’s tenure in Wisconsin may have been her resignation. Following Ms. Palm’s exit from the State Health Department, Wisconsin rose to the top five in the country for vaccine distribution and now serves as a model of success for other states throughout the Midwest.

The final issue we would like to raise is school reopening timelines. Ms. Palm played a central role in the shuttering of Wisconsin schools for the final months of the 2019-2020 school year and led many throughout the state to operate in a hybrid or virtual learning model for 2020-2021. As you already know, the CDC guidance and the data on youth transmission rates show there have always been options for safe in-person learning models, yet many like Ms. Palm have chosen to side with the most extreme elements of the teachers’ unions over the needs of students and working parents. Ms. Palm herself made a nationally distributed statement in August 2020 saying Wisconsin didn’t possess enough tests to reopen safely – even as the CDC released guidance saying universal testing was not necessary for a safe return to classroom instruction.

During this critical time period as we continue to recover from a global pandemic, we need a Deputy HHS Secretary who is focused on improving access to health care and supporting state and local officials on the front line of mopping up the COVID pandemic. Andrea Palm is not that person, and her appalling track record in our state makes that clear. We hope you will reject her confirmation and join us in encouraging President Biden to appoint a more qualified nominee to this important position.

Sincerely,

Tom Tiffany
Member of Congress



Scott Fitzgerald
Member of Congress



cc: Members, Senate Finance Committee